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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

17 VALERIE CASHON, on behalf of herself
and all others similarly situated,

Case No. 3:16-cv-04889 RS

Plaintiff,

V.

KINDRED HEALTHCARE
OPERATING, INC., a Delaware
Corporation; GENTIVA CERTIFIED
HEALTHCARE CORP., a Delaware
Corporation; and DOES 1 through 15
inclusive.

**JOINT STIPULATION TO FURTHER
EXTEND DEADLINE TO FILE MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT AND
HEARING ON MOTION FOR
PRELIMINARY APPROVAL;
[PROPOSED] ORDER**

Defendants.

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15 KINDRED HEALTHCARE OPERATING, INC. and GENTIVA
CERTIFIED HEALTHCARE CORP.
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1 Plaintiff VALERIE CASHON (“Plaintiff”) and Defendants KINDRED
2 HEALTHCARE OPERATING, INC. and GENTIVA CERTIFIED HEALTHCARE CORP.
3 (“Defendants”) (collectively, the “Parties”), through their respective counsel, hereby stipulate,
4 subject to Court approval, as follows.

5 WHEREAS, on November 19, 2017 the parties participated in mediation in this
6 action;

7 WHEREAS, on November 28, 2017, Plaintiff filed a Notice of Proposed Class
8 Settlement and Request for Preliminary Approval Hearing Date [Dkt No. 58] in which Plaintiff
9 informed the court of a proposed settlement and sought a motion for preliminary approval of class
10 action settlement hearing date in late January 2018;

11 WHEREAS, on November 28, 2017, the Court issued an Order Staying Currently Set
12 Date and Setting Schedule for Preliminary Approval [Dkt No. 59] in which the Court ordered the
13 parties to file the motion for preliminary approval by January 11, 2018 and set the hearing regarding
14 preliminary approval on February 1, 2018 at 1:30 p.m. in Courtroom 3;

15 WHEREAS, the Parties have previously requested and the Court approved the
16 Parties’ request to move the deadline to file the motion for preliminary approval [Dkt Nos. 61-64];

17 WHEREAS, the current deadline for Plaintiff to file her motion for preliminary
18 approval is March 1, 2018;

19 WHEREAS, the Parties have been and continue to work diligently to prepare the
20 long-form stipulation regarding class settlement but have not yet finalized that agreement;

21 WHEREAS, the parties need further additional time to finalize that agreement after
22 which the motion for preliminary approval can be filed and heard;

23 WHEREAS, the parties believe that it would be most efficient for the parties and the
24 Court to continue the deadline regarding motion for preliminary approval;

25 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to
26 Court approval, as follows:

27 1. The deadline for Plaintiff to file her motion for preliminary approval currently
28 scheduled for March 1, 2018 shall be continued to March 6, 2018; and

1 2. The hearing on Plaintiff's motion for preliminary approval currently
2 scheduled for March 29, 2018 remain on that date or the Court's earliest available hearing date
3 thereafter.

4 IT IS SO STIPULATED.

5

6 Dated: March 1, 2018

7 _____
8 /s/ *Anthony Perez*
9 ANTHONY PEREZ
10 CHARLES L. POST
11 BRENDAN J. BEGLEY
12 DARRIN M. MENEZES
13 Attorneys for Plaintiff
14 VALERIE CASHON

15

16 Dated: March 1, 2018

17 _____
18 /s/ *Lisa Lin Garcia*
19 ELIZABETH STAGGS WILSON
20 ALISON J. CUBRE
21 LISA LIN GARCIA
22 ANGELO SPINOLA
23 Attorneys for Defendants
24 KINDRED HEALTHCARE OPERATING,
25 INC., and GENTIVA CERTIFIED
26 HEALTHCARE CORP.

1 **[PROPOSED] ORDER**

2 Having considered the Parties' Joint Stipulation to Further Extend Deadline to File
3 Motion for Preliminary Approval of Class Action Settlement and Hearing on Motion for Preliminary
4 Approval, and good cause appearing therefor, the Court hereby orders as follows:

5 1. The deadline for Plaintiff to file her motion for preliminary approval is hereby
6 continued from March 1, 2018 to March 6, 2018;

7 2. The hearing on Plaintiff's motion for preliminary approval shall be set on
8 March 29, 2018 at 1:30 pm.

9 **IT IS SO ORDERED**

10 Dated: 3/2/18



HON. RICHARD SEEBORG